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1 A bill to be entitled
 2 An act relating to reorganization of the Department of
 3 Health; amending s. 20.43, F.S.; revising the department's
 4 missions and responsibilities; modifying the
 5 responsibilities related to communicable diseases to
 6 include; providing that the department is responsible for
 7 implementing interventions that prevent the spread of
 8 disease; providing that the department maintain and
 9 coordinate preparedness and response for public health
 10 emergencies; deleting provision requiring the department
 11 to conduct special studies of the causes of diseases and
 12 formulate preventive strategies; deleting provision
 13 authorizing the department to accumulate health statistics
 14 necessary to establish disease trends and to design health
 15 programs; modifying provision related to environmental
 16 health function by providing that the department is
 17 responsible for regulating environmental activities
 18 directly impacting the state; modifying and combining
 19 several missions related to health care and related
 20 services administered by the department to provide that
 21 the department is responsible for administering and
 22 providing such services to targeted populations in the
 23 state; providing that it is the responsibility of the
 24 department to collect, manage, and analyze vital
 25 statistics in the state; deleting provision related to
 26 providing leadership, in cooperation with public and
 27 private sectors, in establishing statewide and community
 28 public health delivery systems; deleting provision

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29 providing that the department develop working associations
 30 with all agencies and organizations involved and
 31 interested in health care delivery; deleting provision
 32 requiring the department to analyze trends in the
 33 evolution of health systems and promote the use of
 34 innovative, cost-effective health delivery systems;
 35 deleting provision requiring the department to serve as
 36 the statewide repository of all aggregated health care
 37 data accumulated by state agencies; deleting a provision
 38 requiring specified information be included in the
 39 department's long-range plan; requiring the agency to
 40 submit a plan to the Legislature by a specified date
 41 proposing a new department structure based upon the
 42 amended department responsibilities; specifying
 43 information that must be included in the proposal;
 44 requiring the State Surgeon General be responsible for
 45 managing the responsibilities of the department; deleting
 46 the requirement for a Officer of Women's Health Strategy;
 47 providing a July 1, 2011 sunset date for the department's
 48 divisions unless reviewed and reenacted by the
 49 Legislature; authorizing the department to establish
 50 multi-county service areas for county health departments;
 51 deleting provision authorizing the State Surgeon General
 52 to prescribe the duties of the service areas; deleting
 53 provisions that authorizes the department to develop
 54 service areas based upon the service districts of the
 55 Department of Children and Families and the jobs and
 56 education regional boards; removing a provision that

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57 | allows division directors to appoint ad hoc advisory
 58 | committees; deleting subsection authorizing the department
 59 | to use state or federal funds to protect and improve
 60 | public health in a specified manner; deleting subsection
 61 | allowing the department to hold copyrights, trademarks and
 62 | service marks and to enforce its rights under those marks;
 63 | specifying that beginning in fiscal year 2010-2011, the
 64 | department can initiate and commence new programs or
 65 | modify current programs only with express legislative
 66 | approval; renumbering sections and subsections; repealing
 67 | s. 381.001, relating to legislative intent; public health
 68 | system; F.S.; amending s. 381.0011, F.S.; revising duties
 69 | and powers of the department; modifying how the department
 70 | assesses public health status and needs of the state;
 71 | removing a provision authorizing the department to
 72 | formulate general policies affecting the public health of
 73 | the state; providing that the department manage and
 74 | coordinate emergency preparedness and disaster response
 75 | functions and specifying the purpose of those functions;
 76 | requiring the strategic plan developed by the department
 77 | relate to the responsibilities delegated to the
 78 | department; removing general provision allowing department
 79 | to administer and enforce laws related to the general
 80 | health of the people; transferring a provision authorizing
 81 | the department to cooperate with the federal government in
 82 | enforcing public health laws and regulations; modifying
 83 | duties of the department related to communicable diseases
 84 | and interventions that prevent or limit the spread of

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85 disease; authorizing the department to issue health alerts
 86 or advisories for specific reasons; requiring a workshop
 87 before issuing such alert or advisory; removing provision
 88 allowing the department to disseminate information related
 89 to prevention, control and cure of diseases, illnesses and
 90 hazards to human health; removing provision relating to
 91 department's authority to cooperate with other entities
 92 for the improvement and preservation of public health;
 93 removing provision authorizing the department to maintain
 94 a statewide injury prevention program; providing that the
 95 department is not authorized to inspect a building or
 96 facility without statutory authority; providing that the
 97 departments other duties must be expressly authorized in
 98 law; amending s. 381.006, F.S.; modifying the definition
 99 of group care facilities; specifying entities that are
 100 group care facilities; limiting the department's
 101 rulemaking authority to facilities defined in the
 102 paragraph; providing that rules related to public and
 103 private schools shall be developed by the Department of
 104 Education in consultation with the department; adding
 105 students and faculty to the list of people the department
 106 seeks to protect in group facilities; amending s.
 107 381.0072, F.S.; modifying the definition of "food service
 108 establishment"; specifying entities that are food service
 109 establishments for purpose of this section; amending
 110 exclusions from the definition to provide that the
 111 definition excludes any entity not expressly named in the
 112 definition; authorizing the department to consult with or

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113 | advise specified agencies concerning procedures related to
 114 | food service protection for other entities not regulated
 115 | under this section; modifying rulemaking authority of the
 116 | department for rules requiring manager certification to
 117 | conform; adding provision to limit licensure to conform;
 118 | amending s. 381.0101, F.S.; modifying definition of
 119 | primary environmental health program to limit department's
 120 | authority to determine which programs apply by requiring
 121 | such programs must be expressly authorized in statute;
 122 | providing cross reference for food service establishments;
 123 | repealing s. 381.04015, F.S.; relating to women's health
 124 | strategy; legislative intent; duties of Officer of Women's
 125 | Health Strategy; other state agency duties; repealing s.
 126 | 401.243, F.S.; relating to injury prevention program;
 127 | repealing s. 411.23, F.S.; relating to short title for
 128 | Children's Early Investment Act; repealing s. 411.231,
 129 | F.S.; relating to legislative intent and purpose of the
 130 | Children's Early Investment Act; repealing s. 411.232,
 131 | F.S.; relating to Children's Early Investment Program;
 132 | amending s. 509.013, F.S.; modifying exemptions from
 133 | transient public lodging definition relating to health
 134 | care-related facilities to conform to changes in the bill;
 135 | modifying exemptions from public food service
 136 | establishment definition relating to health care-related
 137 | facilities to conform to changes in the bill; providing an
 138 | effective date.

139 |
 140 | Be It Enacted by the Legislature of the State of Florida:

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141
 142 Section 1. Section 20.43, Florida Statutes, is amended to
 143 read:

144 20.43 Department of Health.—There is created a Department
 145 of Health.

146 (1) (a) The purpose of the Department of Health is
 147 responsible for to promote and protect the health of all
 148 residents and visitors in the state through organized state and
 149 community efforts, including cooperative agreements with
 150 counties. The department shall:

151 1.(a) Identifying, diagnosing, investigating and
 152 conducting surveillance of communicable diseases in the state
 153 Prevent to the fullest extent possible, the occurrence and
 154 progression of communicable and noncommunicable diseases and
 155 disabilities.

156 2.(b) Implementing interventions that prevent or limit the
 157 impact and spread of disease in the state Maintain a constant
 158 surveillance of disease occurrence and accumulate health
 159 statistics necessary to establish disease trends and to design
 160 health programs.

161 3.(c) Maintaining and coordinating preparedness and
 162 response for public health emergencies in the state Conduct
 163 special studies of the causes of diseases and formulate
 164 preventive strategies.

165 4.(d) Regulating environmental activities that have a
 166 direct impact on Promote the maintenance and improvement of the
 167 environment as it affects public health in the state.

168 5.(e) Administering and providing health and related

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169 services for targeted populations in ~~Promote the maintenance and~~
 170 ~~improvement of health in the residents of the state.~~

171 6.(f) Collecting, managing, and analyzing vital statistics
 172 data in the state ~~Provide leadership, in cooperation with the~~
 173 ~~public and private sectors, in establishing statewide and~~
 174 ~~community public health delivery systems.~~

175 ~~(g) Provide health care and early intervention services to~~
 176 ~~infants, toddlers, children, adolescents, and high-risk~~
 177 ~~perinatal patients who are at risk for disabling conditions or~~
 178 ~~have chronic illnesses.~~

179 ~~(h) Provide services to abused and neglected children~~
 180 ~~through child protection teams and sexual abuse treatment~~
 181 ~~programs.~~

182 ~~(i) Develop working associations with all agencies and~~
 183 ~~organizations involved and interested in health and health care~~
 184 ~~delivery.~~

185 ~~(j) Analyze trends in the evolution of health systems, and~~
 186 ~~identify and promote the use of innovative, cost-effective~~
 187 ~~health delivery systems.~~

188 ~~(k) Serve as the statewide repository of all aggregate~~
 189 ~~data accumulated by state agencies related to health care;~~
 190 ~~analyze that data and issue periodic reports and policy~~
 191 ~~statements, as appropriate; require that all aggregated data be~~
 192 ~~kept in a manner that promotes easy utilization by the public,~~
 193 ~~state agencies, and all other interested parties; provide~~
 194 ~~technical assistance as required; and work cooperatively with~~
 195 ~~the state's higher education programs to promote further study~~
 196 ~~and analysis of health care systems and health care outcomes.~~

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197 ~~(1) Include in the department's strategic plan developed~~
 198 ~~under s. 186.021 an assessment of current health programs,~~
 199 ~~systems, and costs; projections of future problems and~~
 200 ~~opportunities; and recommended changes that are needed in the~~
 201 ~~health care system to improve the public health.~~

202 7.(m) Regulate ~~Regulating~~ health practitioners, to the
 203 extent authorized by the Legislature, as necessary for the
 204 preservation of the health, safety, and welfare of the public.

205 (b) By December 1, 2010, the department shall submit a
 206 proposal to the President of the Senate, Speaker of the House of
 207 Representatives, and the appropriate substantive legislative
 208 committees for a new department structure based upon the
 209 department's responsibilities delegated in subsection (1)(a).
 210 The proposal shall include reductions in the number of
 211 departmental bureaus and divisions and limits on the number of
 212 executive positions in a manner that enables the department to
 213 meet the responsibilities delegated in subsection (1)(a). The
 214 department shall identify existing functions and activities that
 215 are inconsistent with the responsibilities delegated in
 216 subsection (1)(a) and shall provide a job description for each
 217 bureau chief and division director position proposed for
 218 retention.

219 ~~(2)(a)~~ The head of the Department of Health is the State
 220 Surgeon General and State Health Officer. The State Surgeon
 221 General must be a physician licensed under chapter 458 or
 222 chapter 459 who has advanced training or extensive experience in
 223 public health administration. The State Surgeon General is
 224 appointed by the Governor subject to confirmation by the Senate.

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225 The State Surgeon General serves at the pleasure of the
 226 Governor. ~~The State Surgeon General shall serve as the leading~~
 227 ~~voice on wellness and disease prevention efforts, including the~~
 228 ~~promotion of healthful lifestyles, immunization practices,~~
 229 ~~health literacy, and the assessment and promotion of the~~
 230 ~~physician and health care workforce in order to meet the health~~
 231 ~~care needs of the state.~~ The State Surgeon General shall manage
 232 focus on the department in carrying out its responsibilities
 233 provided for in subsection (1) (a) advocating healthy lifestyles,
 234 developing public health policy for the state, and building
 235 collaborative partnerships with schools, businesses, health care
 236 practitioners, community-based organizations, and public and
 237 private institutions in order to promote health literacy and
 238 optimum quality of life for all Floridians.

239 ~~(b) The Officer of Women's Health Strategy is established~~
 240 ~~within the Department of Health and shall report directly to the~~
 241 ~~State Surgeon General.~~

242 (3) The following divisions of the Department of Health
 243 are established:

244 (a) Division of Administration. This paragraph expires
 245 July 1, 2011, unless reviewed and reenacted by the Legislature
 246 before that date.

247 (b) Division of Environmental Health. This paragraph
 248 expires July 1, 2011, unless reviewed and reenacted by the
 249 Legislature before that date.

250 (c) Division of Disease Control. This paragraph expires
 251 July 1, 2011, unless reviewed and reenacted by the Legislature
 252 before that date.

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253 (d) Division of Family Health Services. This paragraph
 254 expires July 1, 2011, unless reviewed and reenacted by the
 255 Legislature before that date.

256 (e) Division of Children's Medical Services Network. This
 257 paragraph expires July 1, 2011, unless reviewed and reenacted by
 258 the Legislature before that date.

259 (f) Division of Emergency Medical Operations. This
 260 paragraph expires July 1, 2011, unless reviewed and reenacted by
 261 the Legislature before that date.

262 (g) Division of Medical Quality Assurance, which is
 263 responsible for the following boards and professions established
 264 within the division:

- 265 1. The Board of Acupuncture, created under chapter 457.
- 266 2. The Board of Medicine, created under chapter 458.
- 267 3. The Board of Osteopathic Medicine, created under
 268 chapter 459.
- 269 4. The Board of Chiropractic Medicine, created under
 270 chapter 460.
- 271 5. The Board of Podiatric Medicine, created under chapter
 272 461.
- 273 6. Naturopathy, as provided under chapter 462.
- 274 7. The Board of Optometry, created under chapter 463.
- 275 8. The Board of Nursing, created under part I of chapter
 276 464.
- 277 9. Nursing assistants, as provided under part II of
 278 chapter 464.
- 279 10. The Board of Pharmacy, created under chapter 465.
- 280 11. The Board of Dentistry, created under chapter 466.

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| 281 | 12. Midwifery, as provided under chapter 467. | |
| 282 | 13. The Board of Speech-Language Pathology and Audiology, | |
| 283 | created under part I of chapter 468. | |
| 284 | 14. The Board of Nursing Home Administrators, created | |
| 285 | under part II of chapter 468. | |
| 286 | 15. The Board of Occupational Therapy, created under part | |
| 287 | III of chapter 468. | |
| 288 | 16. Respiratory therapy, as provided under part V of | |
| 289 | chapter 468. | |
| 290 | 17. Dietetics and nutrition practice, as provided under | |
| 291 | part X of chapter 468. | |
| 292 | 18. The Board of Athletic Training, created under part | |
| 293 | XIII of chapter 468. | |
| 294 | 19. The Board of Orthotists and Prosthetists, created | |
| 295 | under part XIV of chapter 468. | |
| 296 | 20. Electrolysis, as provided under chapter 478. | |
| 297 | 21. The Board of Massage Therapy, created under chapter | |
| 298 | 480. | |
| 299 | 22. The Board of Clinical Laboratory Personnel, created | |
| 300 | under part III of chapter 483. | |
| 301 | 23. Medical physicists, as provided under part IV of | |
| 302 | chapter 483. | |
| 303 | 24. The Board of Opticianry, created under part I of | |
| 304 | chapter 484. | |
| 305 | 25. The Board of Hearing Aid Specialists, created under | |
| 306 | part II of chapter 484. | |
| 307 | 26. The Board of Physical Therapy Practice, created under | |
| 308 | chapter 486. | |

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309 27. The Board of Psychology, created under chapter 490.
 310 28. School psychologists, as provided under chapter 490.
 311 29. The Board of Clinical Social Work, Marriage and Family
 312 Therapy, and Mental Health Counseling, created under chapter
 313 491.

314 This paragraph expires July 1, 2011, unless reviewed and
 315 reenacted by the Legislature before that date.

316 (h) Division of Children's Medical Services Prevention and
 317 Intervention. This paragraph expires July 1, 2011, unless
 318 reviewed and reenacted by the Legislature before that date.

319 (i) Division of Information Technology. This paragraph
 320 expires July 1, 2011, unless reviewed and reenacted by the
 321 Legislature before that date.

322 (j) Division of Health Access and Tobacco. This paragraph
 323 expires July 1, 2011, unless reviewed and reenacted by the
 324 Legislature before that date.

325 (k) Division of Disability Determinations. This paragraph
 326 expires July 1, 2011, unless reviewed and reenacted by the
 327 Legislature before that date.

328 (4) (a) The members of each board within the department
 329 shall be appointed by the Governor, subject to confirmation by
 330 the Senate. Consumer members on the board shall be appointed
 331 pursuant to paragraph (b). Members shall be appointed for 4-year
 332 terms, and such terms shall expire on October 31. However, a
 333 term of less than 4 years may be used to ensure that:

334 1. No more than two members' terms expire during the same
 335 calendar year for boards consisting of seven or eight members.

336 2. No more than 3 members' terms expire during the same

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337 | calendar year for boards consisting of 9 to 12 members.

338 | 3. No more than 5 members' terms expire during the same
339 | calendar year for boards consisting of 13 or more members.

340 |
341 | A member whose term has expired shall continue to serve on the
342 | board until such time as a replacement is appointed. A vacancy
343 | on the board shall be filled for the unexpired portion of the
344 | term in the same manner as the original appointment. No member
345 | may serve for more than the remaining portion of a previous
346 | member's unexpired term, plus two consecutive 4-year terms of
347 | the member's own appointment thereafter.

348 | (b) Each board with five or more members shall have at
349 | least two consumer members who are not, and have never been,
350 | members or practitioners of the profession regulated by such
351 | board or of any closely related profession. Each board with
352 | fewer than five members shall have at least one consumer member
353 | who is not, and has never been, a member or practitioner of the
354 | profession regulated by such board or of any closely related
355 | profession.

356 | (c) Notwithstanding any other provision of law, the
357 | department is authorized to establish uniform application forms
358 | and certificates of licensure for use by the boards within the
359 | department. Nothing in this paragraph authorizes the department
360 | to vary any substantive requirements, duties, or eligibilities
361 | for licensure or certification as provided by law.

362 | (5) The department shall ~~plan and~~ administer authorized
363 | public health programs through its county health departments and
364 | may, for administrative purposes and efficient service delivery,

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365 | establish multi-county ~~up to 15~~ service areas to carry out such
 366 | duties as may be prescribed by the State Surgeon General. The
 367 | boundaries of the service areas shall be the same as, or
 368 | combinations of, the service districts of the Department of
 369 | Children and Family Services established in s. 20.19 and, to the
 370 | extent practicable, shall take into consideration the boundaries
 371 | of the jobs and education regional boards.

372 | (6) The State Surgeon General may ~~and division directors~~
 373 | ~~are authorized to~~ appoint ad hoc advisory committees as
 374 | necessary to address issues related to the responsibilities
 375 | delegated to the department in section (1)(a). The issue or
 376 | problem that the ad hoc committee shall address, and the
 377 | timeframe within which the committee is to complete its work,
 378 | shall be specified at the time the committee is appointed. Ad
 379 | hoc advisory committees shall include representatives of groups
 380 | or entities affected by the issue or problem that the committee
 381 | is asked to examine. Members of ad hoc advisory committees shall
 382 | receive no compensation, but may, within existing departmental
 383 | resources, receive reimbursement for travel expenses as provided
 384 | in s. 112.061.

385 | ~~(7) To protect and improve the public health, the~~
 386 | ~~department may use state or federal funds to:~~

387 | ~~(a) Provide incentives, including, but not limited to, the~~
 388 | ~~promotional items listed in paragraph (b), food and including~~
 389 | ~~food coupons, and payment for travel expenses, for encouraging~~
 390 | ~~healthy lifestyle and disease prevention behaviors and patient~~
 391 | ~~compliance with medical treatment, such as tuberculosis therapy~~
 392 | ~~and smoking cessation programs. Such incentives shall be~~

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393 ~~intended to cause individuals to take action to improve their~~
 394 ~~health. Any incentive for food, food coupons, or travel expenses~~
 395 ~~may not exceed the limitations in s. 112.061.~~

396 ~~(b) Plan and conduct health education campaigns for the~~
 397 ~~purpose of protecting or improving public health. The department~~
 398 ~~may purchase promotional items, such as, but not limited to, t-~~
 399 ~~shirts, hats, sports items such as water bottles and sweat~~
 400 ~~bands, calendars, nutritional charts, baby bibs, growth charts,~~
 401 ~~and other items printed with health promotion messages, and~~
 402 ~~advertising, such as space on billboards or in publications or~~
 403 ~~radio or television time, for health information and promotional~~
 404 ~~messages that recognize that the following behaviors, among~~
 405 ~~others, are detrimental to public health: unprotected sexual~~
 406 ~~intercourse, other than with one's spouse; cigarette and cigar~~
 407 ~~smoking, use of smokeless tobacco products, and exposure to~~
 408 ~~environmental tobacco smoke; alcohol consumption or other~~
 409 ~~substance abuse during pregnancy; alcohol abuse or other~~
 410 ~~substance abuse; lack of exercise and poor diet and nutrition~~
 411 ~~habits; and failure to recognize and address a genetic tendency~~
 412 ~~to suffer from sickle-cell anemia, diabetes, high blood~~
 413 ~~pressure, cardiovascular disease, or cancer. For purposes of~~
 414 ~~activities under this paragraph, the Department of Health may~~
 415 ~~establish requirements for local matching funds or in-kind~~
 416 ~~contributions to create and distribute advertisements, in either~~
 417 ~~print or electronic format, which are concerned with each of the~~
 418 ~~targeted behaviors, establish an independent evaluation and~~
 419 ~~feedback system for the public health communication campaign,~~
 420 ~~and monitor and evaluate the efforts to determine which of the~~

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421 ~~techniques and methodologies are most effective.~~

422 ~~(c) Plan and conduct promotional campaigns to recruit~~
 423 ~~health professionals to be employed by the department or to~~
 424 ~~recruit participants in departmental programs for health~~
 425 ~~practitioners, such as scholarship, loan repayment, or volunteer~~
 426 ~~programs. To this effect the department may purchase promotional~~
 427 ~~items and advertising.~~

428 ~~(8) The department may hold copyrights, trademarks, and~~
 429 ~~service marks and enforce its rights with respect thereto,~~
 430 ~~except such authority does not extend to any public records~~
 431 ~~relating to the department's responsibilities for health care~~
 432 ~~practitioners regulated under part II of chapter 455.~~

433 ~~(7)-(9)~~ There is established within the Department of
 434 Health the Office of Minority Health.

435 (8) Beginning in fiscal year 2010-2011, the department
 436 shall only initiate or commence new programs, including any new
 437 federally funded or grant supported initiative, or make changes
 438 in current programs when the Legislature expressly authorizes
 439 the department to do so.

440 Section 2. Section 381.001, Florida Statutes, is repealed.

441 Section 3. Section 381.0011, Florida Statutes, is amended
 442 to read:

443 381.0011 Duties and powers of the Department of Health.—It
 444 is the duty of the Department of Health to:

445 (1) Assess the public health status and needs of the state
 446 pursuant to the responsibilities delegated to the department in
 447 s. 20.43 through statewide data collection and other appropriate
 448 means, with special attention to future needs that may result

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449 ~~from population growth, technological advancements, new societal~~
 450 ~~priorities, or other changes.~~

451 (2) Manage and coordinate emergency preparedness and
 452 disaster response functions to: investigate and control the
 453 spread of disease; coordinate the availability and staffing of
 454 special needs shelters; support patient evacuation; assure the
 455 safety of food and drugs; provide critical incident stress
 456 debriefing; and provide surveillance and control of
 457 radiological, chemical, biological and other environmental
 458 hazards ~~Formulate general policies affecting the public health~~
 459 ~~of the state.~~

460 (3) Include in the department's strategic plan developed
 461 under s. 186.021 a summary of all aspects of the public health
 462 related to the responsibilities delegated to the department
 463 under s. 20.43(1) mission and health status objectives to direct
 464 ~~the use of public health resources with an emphasis on~~
 465 ~~prevention.~~

466 (4) Administer and enforce laws and rules relating to
 467 sanitation, control of communicable diseases, and illnesses and
 468 hazards to health among humans and from animals to humans, ~~and~~
 469 ~~the general health of the people of the state.~~

470 (5) Cooperate with and accept assistance from federal,
 471 state, and local officials for the prevention and suppression of
 472 communicable and other diseases, illnesses, injuries, and
 473 hazards to human health; and cooperate with the federal
 474 government in enforcing public health laws and regulations.

475 (6) Declare, enforce, modify, and abolish quarantine of
 476 persons, animals, and premises as the circumstances indicate for

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477 | controlling communicable diseases or providing protection from
 478 | unsafe conditions that pose a threat to public health, except as
 479 | provided in ss. 384.28 and 392.545-392.60.

480 | (a) The department shall adopt rules to specify the
 481 | conditions and procedures for imposing and releasing a
 482 | quarantine. The rules must include provisions related to:

483 | 1. The closure of premises.

484 | 2. The movement of persons or animals exposed to or
 485 | infected with a communicable disease.

486 | 3. The tests or treatment, including vaccination, for
 487 | communicable disease required prior to employment or admission
 488 | to the premises or to comply with a quarantine.

489 | 4. Testing or destruction of animals with or suspected of
 490 | having a disease transmissible to humans.

491 | 5. Access by the department to quarantined premises.

492 | 6. The disinfection of quarantined animals, persons, or
 493 | premises.

494 | 7. Methods of quarantine.

495 | (b) Any health regulation that restricts travel or trade
 496 | within the state may not be adopted or enforced in this state
 497 | except by authority of the department.

498 | (7) Identify, diagnose, investigate, and conduct
 499 | surveillance of communicable diseases in the state and promote
 500 | and implement interventions that prevent or limit the impact and
 501 | spread of disease in the state ~~Provide for a thorough~~
 502 | ~~investigation and study of the incidence, causes, modes of~~
 503 | ~~propagation and transmission, and means of prevention, control,~~
 504 | ~~and cure of diseases, illnesses, and hazards to human health.~~

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505 (8) ~~Provide for the dissemination of information to the~~
 506 ~~public relative to the prevention, control, and cure of~~
 507 ~~diseases, illnesses, and hazards to human health.~~ The department
 508 ~~shall~~ may issue health alerts or advisories ~~conduct a workshop~~
 509 ~~before issuing any health alert or advisory~~ relating to food-
 510 borne illness or communicable disease in public lodging or food
 511 service establishments in order to inform persons, trade
 512 associations, and businesses of the risk to public health and to
 513 seek the input of affected persons, trade associations, and
 514 businesses on the best methods of informing and protecting the
 515 public. The department shall conduct a workshop before issuing
 516 any such alert or advisory, except in an emergency, in which
 517 case the workshop must be held within 14 days after the issuance
 518 of the emergency alert or advisory.

519 (9) Act as registrar of vital statistics.

520 ~~(10) Cooperate with and assist federal health officials in~~
 521 ~~enforcing public health laws and regulations.~~

522 ~~(11) Cooperate with other departments, local officials,~~
 523 ~~and private boards and organizations for the improvement and~~
 524 ~~preservation of the public health.~~

525 ~~(12) Maintain a statewide injury prevention program.~~

526 (10)-(13) Adopt rules pursuant to ss. 120.536(1) and 120.54
 527 to implement the provisions of law conferring duties upon it.
 528 This subsection does not authorize the department to require a
 529 permit or license, or inspect a building or facility, unless
 530 such requirement is specifically provided by law.

531 (11)-(14) Perform any other duties expressly assigned
 532 ~~prescribed~~ to the department by law.

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533 Section 4. Subsection (16) of section 381.006, Florida
 534 Statutes, is amended to read:
 535 381.006 Environmental health.—The department shall conduct
 536 an environmental health program as part of fulfilling the
 537 state's public health mission. The purpose of this program is to
 538 detect and prevent disease caused by natural and manmade factors
 539 in the environment. The environmental health program shall
 540 include, but not be limited to:
 541 (16) A group-care-facilities function, where a group care
 542 facility means any public or private school, assisted living
 543 facility; adult family-care home; adult day care center; short
 544 term residential treatment center; residential treatment
 545 facility; home for special services transitional living
 546 facility; crisis stabilization unit; hospice; prescribed
 547 pediatric extended care center; intermediate care facility for
 548 persons with developmental disabilities; boarding school; or
 549 summer 24-hour camp housing, building or buildings, section of a
 550 building, or distinct part of a building or other place, whether
 551 operated for profit or not, which undertakes, through its
 552 ownership or management, to provide one or more personal
 553 services, care, protection, and supervision to persons who
 554 require such services and who are not related to the owner or
 555 administrator. The department may adopt rules necessary to
 556 protect the health and safety of residents, staff, and patrons
 557 of group care facilities as defined in this paragraph., ~~such as~~
 558 ~~child care facilities, family day care homes, assisted living~~
 559 ~~facilities, adult day care centers, adult family care homes,~~
 560 ~~hospices, residential treatment facilities, crisis stabilization~~

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561 ~~units, pediatric extended care centers, intermediate care~~
 562 ~~facilities for the developmentally disabled, group care homes,~~
 563 ~~and, Rules related to public and private schools shall be~~
 564 ~~developed by jointly with the Department of Education in~~
 565 ~~consultation with the department, at private and public schools.~~
 566 Rules ~~These rules~~ may include definitions of terms; provisions
 567 relating to operation and maintenance of facilities, buildings,
 568 grounds, equipment, furnishings, and occupant-space
 569 requirements; lighting; heating, cooling, and ventilation; food
 570 service; water supply and plumbing; sewage; sanitary facilities;
 571 insect and rodent control; garbage; safety; personnel health,
 572 hygiene, and work practices; and other matters the department
 573 finds are appropriate or necessary to protect the safety and
 574 health of the residents, staff, students, faculty, or patrons.
 575 The department may not adopt rules that conflict with rules
 576 adopted by the licensing or certifying agency. The department
 577 may enter and inspect at reasonable hours to determine
 578 compliance with applicable statutes or rules. In addition to any
 579 sanctions that the department may impose for violations of rules
 580 adopted under this section, the department shall also report
 581 such violations to any agency responsible for licensing or
 582 certifying the group care facility. The licensing or certifying
 583 agency may also impose any sanction based solely on the findings
 584 of the department.
 585 The department may adopt rules to carry out the provisions of
 586 this section.
 587 Section 5. Subsections (1), (2), (3) and (6) of section
 588 381.0072, Florida Statutes, are amended to read:

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589 | 381.0072 Food service protection.—It shall be the duty of
 590 | the Department of Health to adopt and enforce sanitation rules
 591 | consistent with law to ensure the protection of the public from
 592 | food-borne illness. These rules shall provide the standards and
 593 | requirements for the storage, preparation, serving, or display
 594 | of food in food service establishments as defined in this
 595 | section and which are not permitted or licensed under chapter
 596 | 500 or chapter 509.

597 | (1) DEFINITIONS.—As used in this section, the term:

598 | (a) "Department" means the Department of Health or its
 599 | representative county health department.

600 | (b) "Food service establishment" means detention
 601 | facilities; public or private schools; migrant labor camps;
 602 | assisted living facilities; adult family-care homes; adult day
 603 | care centers; short term residential treatment centers;
 604 | residential treatment facilities; homes for special services
 605 | transitional living facilities; crisis stabilization units;
 606 | hospices; prescribed pediatric extended care centers;
 607 | intermediate care facilities for persons with developmental
 608 | disabilities; boarding schools; summer 24-hour camps; civic or
 609 | fraternal organizations; bars and lounges; vending machines that
 610 | dispense potentially hazardous foods at facilities expressly
 611 | named in this section; and facilities used as temporary food
 612 | events or mobile food units at any facility expressly named in
 613 | this section, any facility, as described in this paragraph,
 614 | where food is prepared and intended for individual portion
 615 | service, including ~~and includes~~ the site at which individual
 616 | portions are provided, ~~and includes any such facility~~

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617 | regardless of whether consumption is on or off the premises and
 618 | regardless of whether there is a charge for the food. ~~The term~~
 619 | ~~includes detention facilities, child care facilities, schools,~~
 620 | ~~institutions, civic or fraternal organizations; , bars and~~
 621 | ~~lounges and facilities used at temporary food events, mobile~~
 622 | ~~food units, and vending machines at any facility regulated under~~
 623 | ~~this section. The term does not include any entity not expressly~~
 624 | ~~named in this definition private homes where food is prepared or~~
 625 | ~~served for individual family consumption; nor does the term~~
 626 | ~~include churches, synagogues, or other not-for-profit religious~~
 627 | ~~organizations as long as these organizations serve only their~~
 628 | ~~members and guests and do not advertise food or drink for public~~
 629 | ~~consumption, or any facility or establishment permitted or~~
 630 | ~~licensed under chapter 500 or chapter 509; nor does the term~~
 631 | ~~include any theater, if the primary use is as a theater and if~~
 632 | ~~patron service is limited to food items customarily served to~~
 633 | ~~the admittees of theaters; nor does the term include a research~~
 634 | ~~and development test kitchen limited to the use of employees and~~
 635 | ~~which is not open to the general public.~~

636 | (c) "Operator" means the owner, operator, keeper,
 637 | proprietor, lessee, manager, assistant manager, agent, or
 638 | employee of a food service establishment.

639 | (2) DUTIES.—

640 | (a) The department may advise and consult with the Agency
 641 | for Health Care Administration, the Department of Business and
 642 | Professional Regulation, the Department of Agriculture and
 643 | Consumer Services and the Department of Children and Families
 644 | concerning procedures related to the storage, preparation,

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645 serving, or display of food at any building, structure or
 646 facility not expressly included in this section that is
 647 inspected, licensed or regulated by those agencies.

648 **(b)**~~(a)~~ The department shall adopt rules, including
 649 definitions of terms which are consistent with law prescribing
 650 minimum sanitation standards and manager certification
 651 requirements as prescribed in s. 509.039, and which shall be
 652 enforced in food service establishments as defined in this
 653 section. The sanitation standards must address the construction,
 654 operation, and maintenance of the establishment; lighting,
 655 ventilation, laundry rooms, lockers, use and storage of toxic
 656 materials and cleaning compounds, and first-aid supplies; plan
 657 review; design, construction, installation, location,
 658 maintenance, sanitation, and storage of food equipment and
 659 utensils; employee training, health, hygiene, and work
 660 practices; food supplies, preparation, storage, transportation,
 661 and service, including access to the areas where food is stored
 662 or prepared; and sanitary facilities and controls, including
 663 water supply and sewage disposal; plumbing and toilet
 664 facilities; garbage and refuse collection, storage, and
 665 disposal; and vermin control. Public and private schools, if the
 666 food service is operated by school employees; ~~hospitals licensed~~
 667 ~~under chapter 395; nursing homes licensed under part II of~~
 668 ~~chapter 400; child care facilities as defined in s. 402.301;~~
 669 ~~residential facilities colocated with a nursing home or~~
 670 ~~hospital, if all food is prepared in a central kitchen that~~
 671 ~~complies with nursing or hospital regulations; and bars and~~
 672 lounges; civic organizations; and any other facilities not

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673 regulated under this section, ~~as defined by department rule~~, are
 674 exempt from the rules developed for manager certification. The
 675 department shall administer a comprehensive inspection,
 676 monitoring, and sampling program to ensure such standards are
 677 maintained. With respect to food service establishments
 678 permitted or licensed under chapter 500 or chapter 509, the
 679 department shall assist the Division of Hotels and Restaurants
 680 of the Department of Business and Professional Regulation and
 681 the Department of Agriculture and Consumer Services with
 682 rulemaking by providing technical information.

683 (c) ~~(b)~~ The department shall carry out all provisions of
 684 this chapter and all other applicable laws and rules relating to
 685 the inspection or regulation of food service establishments as
 686 defined in this section, for the purpose of safeguarding the
 687 public's health, safety, and welfare.

688 (d) ~~(e)~~ The department shall inspect each food service
 689 establishment as often as necessary to ensure compliance with
 690 applicable laws and rules. The department shall have the right
 691 of entry and access to these food service establishments at any
 692 reasonable time. In inspecting food service establishments as
 693 provided under this section, the department shall provide each
 694 inspected establishment with the food recovery brochure
 695 developed under s. 570.0725.

696 (e) ~~(d)~~ The department or other appropriate regulatory
 697 entity may inspect theaters exempted in subsection (1) to ensure
 698 compliance with applicable laws and rules pertaining to minimum
 699 sanitation standards. A fee for inspection shall be prescribed
 700 by rule, but the aggregate amount charged per year per theater

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701 establishment shall not exceed \$300, regardless of the entity
 702 providing the inspection.

703 (3) LICENSES REQUIRED.—

704 (a) Licenses; annual renewals.—Each food service
 705 establishment regulated under this section shall obtain a
 706 license from the department annually. Food service establishment
 707 licenses shall expire annually and are not transferable from one
 708 place or individual to another. However, those facilities
 709 licensed by the department's Office of Licensure and
 710 Certification, the Child Care Services Program Office, or the
 711 Agency for Persons with Disabilities are exempt from this
 712 subsection. It shall be a misdemeanor of the second degree,
 713 punishable as provided in s. 381.0061, s. 775.082, or s.
 714 775.083, for such an establishment to operate without this
 715 license. The department may refuse a license, or a renewal
 716 thereof, to any establishment that is not constructed or
 717 maintained in accordance with law and with the rules of the
 718 department. Annual application for renewal is not required.

719 (b) Application for license.—Each person who plans to open
 720 a food service establishment regulated under this section and
 721 not regulated under chapter 500 or chapter 509 shall apply for
 722 and receive a license prior to the commencement of operation.

723 (6) IMMINENT DANGERS; STOP-SALE ORDERS.—

724 (a) In the course of epidemiological investigations or for
 725 those establishments regulated by the department under this
 726 chapter, the department, to protect the public from food that is
 727 unwholesome or otherwise unfit for human consumption, may
 728 examine, sample, seize, and stop the sale or use of food to

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729 determine its condition. The department may stop the sale and
 730 supervise the proper destruction of food when the State Health
 731 Officer or his or her designee determines that such food
 732 represents a threat to the public health.

733 (b) The department may determine that a food service
 734 establishment regulated under this section is an imminent danger
 735 to the public health and require its immediate closure when such
 736 establishment fails to comply with applicable sanitary and
 737 safety standards and, because of such failure, presents an
 738 imminent threat to the public's health, safety, and welfare. The
 739 department may accept inspection results from state and local
 740 building and firesafety officials and other regulatory agencies
 741 as justification for such actions. Any facility so deemed and
 742 closed shall remain closed until allowed by the department or by
 743 judicial order to reopen.

744 Section 6. Paragraph (g) of subsection (2) of section
 745 381.0101, Florida Statutes, is amended to read:

746 381.0101 Environmental health professionals.—

747 (2) DEFINITIONS.—As used in this section:

748 (g) "Primary environmental health program" means those
 749 programs ~~determined by the department~~ is expressly authorized in
 750 statute to administer ~~to be essential~~ for providing basic
 751 environmental and sanitary protection to the public. These ~~At a~~
 752 ~~minimum, these~~ programs shall include food protection program
 753 work at food service establishments as defined in s. 381.0072
 754 and onsite sewage treatment and disposal system evaluations.

755 Section 7. Section 381.04015, Florida Statutes, is
 756 repealed.

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757 Section 8. Section 401.243, Florida Statutes, is repealed.

758 Section 9. Section 411.23, Florida Statutes, is repealed.

759 Section 10. Section 411.231, Florida Statutes, is
 760 repealed.

761 Section 11. Section 411.232, Florida Statutes, is
 762 repealed.

763 Section 12. Subsections (4) and (5) of section 509.013,
 764 Florida Statutes, are amended to read:

765 509.013 Definitions.—As used in this chapter, the term:

766 (4) (a) "Public lodging establishment" includes a transient
 767 public lodging establishment as defined in subparagraph 1. and a
 768 nontransient public lodging establishment as defined in
 769 subparagraph 2.

770 1. "Transient public lodging establishment" means any
 771 unit, group of units, dwelling, building, or group of buildings
 772 within a single complex of buildings which is rented to guests
 773 more than three times in a calendar year for periods of less
 774 than 30 days or 1 calendar month, whichever is less, or which is
 775 advertised or held out to the public as a place regularly rented
 776 to guests.

777 2. "Nontransient public lodging establishment" means any
 778 unit, group of units, dwelling, building, or group of buildings
 779 within a single complex of buildings which is rented to guests
 780 for periods of at least 30 days or 1 calendar month, whichever
 781 is less, or which is advertised or held out to the public as a
 782 place regularly rented to guests for periods of at least 30 days
 783 or 1 calendar month.

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785 License classifications of public lodging establishments, and
 786 the definitions therefor, are set out in s. 509.242. For the
 787 purpose of licensure, the term does not include condominium
 788 common elements as defined in s. 718.103.

789 (b) The following are excluded from the definitions in
 790 paragraph (a):

791 1. Any dormitory or other living or sleeping facility
 792 maintained by a public or private school, college, or university
 793 for the use of students, faculty, or visitors;

794 2. Any facility hospital, nursing home licensed and
 795 regulated by the Agency for Health Care Administration
 796 ~~sanitarium, assisted living facility,~~ or other similar place
 797 regulated under s. 381.0072;

798 3. Any place renting four rental units or less, unless the
 799 rental units are advertised or held out to the public to be
 800 places that are regularly rented to transients;

801 4. Any unit or group of units in a condominium,
 802 cooperative, or timeshare plan and any individually or
 803 collectively owned one-family, two-family, three-family, or
 804 four-family dwelling house or dwelling unit that is rented for
 805 periods of at least 30 days or 1 calendar month, whichever is
 806 less, and that is not advertised or held out to the public as a
 807 place regularly rented for periods of less than 1 calendar
 808 month, provided that no more than four rental units within a
 809 single complex of buildings are available for rent;

810 5. Any migrant labor camp or residential migrant housing
 811 permitted by the Department of Health; under ss. 381.008-
 812 381.00895; and

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813 6. Any establishment inspected by the Department of Health
814 and regulated by chapter 513.

815 (5) (a) "Public food service establishment" means any
816 building, vehicle, place, or structure, or any room or division
817 in a building, vehicle, place, or structure where food is
818 prepared, served, or sold for immediate consumption on or in the
819 vicinity of the premises; called for or taken out by customers;
820 or prepared prior to being delivered to another location for
821 consumption.

822 (b) The following are excluded from the definition in
823 paragraph (a):

824 1. Any place maintained and operated by a public or
825 private school, college, or university:

826 a. For the use of students and faculty; or

827 b. Temporarily to serve such events as fairs, carnivals,
828 and athletic contests.

829 2. Any eating place maintained and operated by a church or
830 a religious, nonprofit fraternal, or nonprofit civic
831 organization:

832 a. For the use of members and associates; or

833 b. Temporarily to serve such events as fairs, carnivals,
834 or athletic contests.

835 3. Any eating place located on an airplane, train, bus, or
836 watercraft which is a common carrier.

837 4. Any eating place maintained by a facility licensed and
838 regulated by the Agency for Health Care Administration ~~hospital,~~
839 ~~nursing home, sanitarium, assisted living facility, adult day~~
840 ~~care center,~~ or other similar place that is regulated under s.

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841 381.0072.

842 5. Any place of business issued a permit or inspected by

843 the Department of Agriculture and Consumer Services under s.

844 500.12.

845 6. Any place of business where the food available for

846 consumption is limited to ice, beverages with or without

847 garnishment, popcorn, or prepackaged items sold without

848 additions or preparation.

849 7. Any theater, if the primary use is as a theater and if

850 patron service is limited to food items customarily served to

851 the admittees of theaters.

852 8. Any vending machine that dispenses any food or

853 beverages other than potentially hazardous foods, as defined by

854 division rule.

855 9. Any vending machine that dispenses potentially

856 hazardous food and which is located in a facility regulated

857 under s. 381.0072.

858 10. Any research and development test kitchen limited to

859 the use of employees and which is not open to the general

860 public.

861 Section 13. This act shall take effect July 1, 2010.